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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.20654 OF 2021

B.Raja Sekaran

... Petitioner/A-4

Versus

The State Rep.by
The Inspector of Police
R-7, K.K.Nagar Police Station,
Chennai 600 078.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to complete the investigation in Crime No.1743 of 2012 on the file of respondent police, and filed the charge sheet before the Metropolitan Magistrate Court No.XXIII, Saidapet, Chennai, within a reasonable time.

For Petitioner : Ms.S.Nathiya

For Respondent : Mr.R.Vinothraja
Government Advocate (Cr1.Side)

ORDER

This petition has been filed to direct the respondent to complete the investigation in Crime No.1743 of 2012 on the file of respondent police, and file the charge sheet before the Metropolitan Magistrate Court No.XXIII, Saidapet, Chennai, within a reasonable time.



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2. The petitioner/4th accused in Crime No.1743 of 2012 for the offence under Section 304(A) of IPC, has filed this petition seeking a direction, directing the respondent Police to file a charge sheet before the Metropolitan Magistrate Court No.XXIII, Saidapet, Chennai.

3. The learned Government Advocate (Cr1.Side) submitted that the petitioner has filed this petition with suppression of facts. Other than the petitioner, there are six accused in this case. In Crime No.1743 of 2012, investigation completed and charge sheet filed before the Metropolitan Magistrate No.XXIII, Saidapet, Chennai and taken on file in PRC.No.71 of 2016 for the offense under Section 304 (ii) IPC. The petitioner aware about the status of the case and also filing of the charge sheet in this case. The petitioner earlier filed Cr1.O.P.No.7250 of 2017 seeking for quashing of PRC.71 of 2016, which came to be dismissed on 12.11.2021. He further submitted that the accused in order to escape from the proceedings of the trial Court and not to complete the committal proceedings is using dilatory tactics. He further submitted that the trial Court adjourned the case to 21.12.2021.

4. At this juncture, the learned counsel for the petitioner submitted that this petition has been filed by the petitioner on 21.10.2021 before the dismissal of the quash application. Further, the learned counsel, on instructions submitted that the petitioner is ready to appear before the committal Court on 21.12.2021 without fail and he will not be a reason for any delay of the committal proceedings.

5. Finding that the First Information Report is of the year 2012 and investigation was completed in the year 2016 and till date, the case is yet to be committed. In view of the same, it is made clear that, if any dilatory tactics is adopted by the accused, the trial Court shall take coercive action by following the decision of the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560] and cancel the bail application of the accused and secure him. Further, the committal proceedings shall be completed within a period of one month from 26.11.2021.



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6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

dna/rgi

To

1. The Metropolitan Magistrate Court No.XXIII,
Saidapet, Chennai.
2. The Inspector of Police
R-7, K.K.Nagar Police Station,
Chennai 600 078.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.20654 of 2021

BS(CO)
RLP(26/11/2021)